

Remarks

Claims 1, 2, 4-9, 11, and 16-23 are pending in the subject application. As an initial matter, Applicants gratefully acknowledge the Examiner's withdrawal of the rejections under 35 USC §103(a). By this Amendment, Applicants have canceled claims 2, 6, and 9, and amended claims 1, 5, 16, and 20-22. Support for the amendments can be found throughout the subject specification and in the claims as originally filed. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 1, 4, 5, 7, 8, 11, and 16-23 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

The Examiner has indicated that the subject specification does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). Submitted with this Amendment, on a separate page, is an "Abstract of the Disclosure." Support for this Abstract can be found throughout the subject specification. Applicants respectfully submit that no new matter has been incorporated in this Abstract. Entry and consideration of the Abstract in the subject application is respectfully requested.

Claims 1, 2, 4-9, 11, and 16-23 are rejected under 35 USC §112, second paragraph, as indefinite. Applicants respectfully assert that the claims as filed are definite. However, Applicants have amended independent claims 1 and 5 to delete reference to "preventing" FIV infection. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is respectfully requested.

Claims 1, 3-6, and 10-13 are rejected under 35 USC §112, first paragraph, as nonenabled by the subject specification. As an initial matter, although claims 3, 10, and 13 are included under this rejection, Applicants note that these claims were previously canceled by Applicants' Amendment dated January 29, 2003. Under this rejection, the Examiner asserts that the subject specification is not enabled for treatment of cats infected with strains of FIV other than FIV_{UK8}. The Examiner also asserts that the claimed methods are not enabled for use with all types of nucleoside analogs other than 3TC. Applicants respectfully traverse.

Applicants respectfully assert that the claims are enabled by the subject specification, including for the use of nucleoside analogs other than 3TC. However, by this Amendment, Applicants have amended the claims to specify that the nucleoside analog used in the claimed methods is 3TC. In regard to the issue of enablement of FIV strains other than FIV_{UK8}, Applicants

respectfully assert that the claimed methods are enabled for treatment of infection by any strain of FIV. Applicants indicate in the subject specification that “the anti-FIV activities of AZT, 3TC, and protein inhibitors are not restricted to specific FIV strain or subtype . . .” (emphasis added) (page 7, lines 16-17, of the subject specification). In support of that, the subject specification teaches, for example, that treatment with AZT and 3TC inhibited replication of both FIV_{UK8} and FIV_{Bang} in PBMC (see page 7, lines 4-18, and Figures 2 and 3 of the subject specification). In addition, submitted with this Amendment is a Declaration of Janet K. Yamamoto, Ph.D. Under 37 CFR 1.132. Entry and consideration of the Declaration by Dr. Yamamoto is respectfully requested. In her Declaration, Dr. Yamamoto presents evidence showing that the methods of the subject application are useful in inhibiting infection by many FIV strains other than FIV_{UK8}. For example, Dr. Yamamoto shows that replication of several different FIV strains (of different FIV subtypes) was reduced in cells treated with AZT and 3TC. In addition, Dr. Yamamoto provides evidence that virus load was reduced in cats infected with different FIV strains when treated with AZT and 3TC. As the Examiner is aware, patent law does not require that an applicant explicitly exemplify the use of each and every species of a generically claimed invention. Applicants have established that several different strains of FIV (of different subtypes) can be inhibited using the subject invention. In view of the above, reconsideration and withdrawal of the rejection under 35 USC § 112, first paragraph, is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants’ agreement with or acquiescence in the Examiner’s position.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§ 1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachments: Abstract of the Disclosure; Declaration of Janet K. Yamamoto, Ph.D. Under 37 CFR §1.132